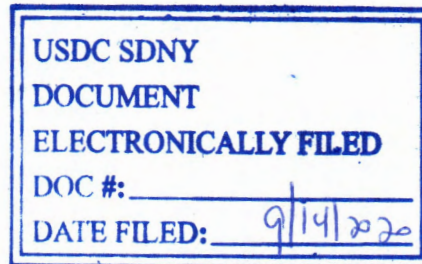


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



J.T., et al.

Plaintiffs,

-against-

20 Civ. 5878 (CM)

BILL DI BLASIO, et al.,

Defendants.
_____X

ORDER TO SHOW CAUSE AND SUA SPONTE TEMPORARY RESTRAINING ORDER

McMahon, C.J.:

Subsequent to the issuance of the court's Order to Show Cause (Docket #84), I have received several deeply troubling communications concerning alleged unethical behavior by Plaintiffs' counsel.

Specifically, I have been notified both by counsel for certain school districts inside New York (Docket #110) and from out of state (Docket #120) that plaintiff's counsel has purported to commence impartial due process hearings on behalf of students without being retained to do so or authorized to do so by the parents of those children. This was presumably done to attempt to get around one of the obvious defenses to this case: the failure to exhaust administrative remedies, which would deprive the court of jurisdiction under the Individuals with Disabilities in Education Act.

In light of the information that has been imparted in these letters, I am adding yet another Order to Show Cause to the list of such orders to which plaintiff's counsel must respond.

IT IS HEREBY ORDERED that plaintiff's counsel, Peter Glenn Albert of the Brain Rights Injury Group, shall provide the court, on or before Friday, September 18, 2020, with (1) a list of all impartial due process hearings that he has commenced on behalf of any putative member of the plaintiff class in any state beginning on June 1, 2020, and continuing through the date of this order, together with (2) a copy of the retainer letter by which counsel was specifically authorized to commence said impartial due process hearing, as required by 22 NYCRR 1215.1(a) and (b)(1), or in the alternative, if Mr. Albert is not admitted to the practice of law in the State of New York and so is not subject to the rules governing attorneys at law in New York, a copy of any retainer letter

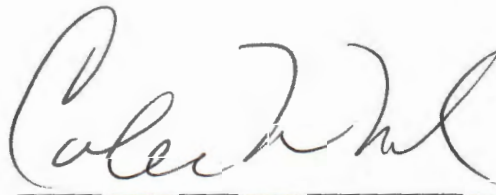
than may be required by the laws or regulations of any state in which Mr. Albert is admitted to practice; and

Sufficient cause having been shown to warrant an order preserving the *status quo* until the court can inquire into the serious allegations of impropriety that have been leveled against plaintiff's counsel,

IT IS FURTHER ORDERED that, effective immediately, plaintiff's counsel, Peter Glenn Albert of the Brain Rights Injury Group, is temporarily restrained and enjoined from commencing any impartial due process hearing on behalf of any member of the putative plaintiff class in any jurisdiction unless the parents/guardian(s) of said child have, prior to the commencement of any such proceeding, signed a retainer letter that complies with the requirements of 22 NYCRR 1215.1 or of such other state in which Mr. Albert is admitted to the practice of law.

Mr. Albert is hereby placed on notice that this inquiry may result in his being referred to the Grievance Committee of this Court and/or to the Disciplinary Committee of any Department in which he is admitted to practice in the State of New York.

Dated: New York, New York
September 14, 2020

A handwritten signature in cursive script, appearing to read "Coleman", written over a horizontal line.

Chief Judge